

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #13	CCRB Case #: 201810583	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 12/09/2018 7:00 PM	Location of Incident: 414 Quincy Street	Precinct: 79	18 Mo. SOL 6/9/2020	EO SOL 1/24/2021	
Date/Time CV Reported Sun, 12/09/2018 8:21 PM	CV Reported At: Mayor's Office	How CV Reported: E-mail	Date/Time Received at CCRB Thu, 12/20/2018 11:46 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			Unknown
2. Officers			Unknown

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b)	
B. An officer	Abuse: An officer frisked § 87(2)(b)	
C. An officer	Abuse: An officer searched § 87(2)(b)	
D. An officer	Abuse: An officer failed to provide § 87(2)(b) with a business card.	

## Case Summary

On December 20, 2018, § 87(2)(b) filed this complaint on the CCRB's website. § 87(2)(b) is a reporting non-witness and filed this complaint on behalf of her nephew, § 87(2)(b).

On December 9, 2018, at about 7:00 p.m., § 87(2)(b) was running in the vicinity of 414 Quincy Street in Brooklyn. Officers allegedly stopped § 87(2)(b) (**Allegation A: Abuse of Authority, § 87(2)(g)**). An officer allegedly frisked § 87(2)(b) and searched his person (**Allegations B-C: Abuse of Authority, § 87(2)(g)**). An officer allegedly failed to provide § 87(2)(b) with a Right to Know Act business card (**Allegation D: Abuse of Authority, § 87(2)(g)**).

No arrests or summonses resulted from this incident.

No video evidence of the incident was obtained.

## Findings and Recommendations

**Allegation A – Abuse of Authority: Officers stopped § 87(2)(b)**  
**Allegation B – Abuse of Authority: An officer frisked § 87(2)(b)**  
**Allegation C – Abuse of Authority: An officer searched § 87(2)(b)**  
**Allegation D – Abuse of Authority: An officer failed to provide § 87(2)(b) with a business card.**

§ 87(2)(b) testified that he left his home and ran toward his grandmother's house to drop off groceries (Board Review 01). En route, an unmarked dark colored sedan drove onto the curb in front of him, thus blocking his path. The vehicle was a sedan, possibly a Lincoln Town Car, and had a license plate that ended in either "56" or "58." Three officers dressed in plainclothes exited the vehicle and approached § 87(2)(b). An officer, described as a black male in his 30s, who stood 5'9" tall, with an average build and a mustache, patted down § 87(2)(b) from his torso down to his feet. The black officer stuck a finger inside § 87(2)(b)'s left shoe. A second officer, described as a white male, in his late 30s to early 40s, with a muscular build, asked § 87(2)(b) where he was coming from and where he was going. The third officer, described as a white male in his 30s who stood 5'7" tall and had a skinny build, stood by and watched. § 87(2)(b) explained what he was doing and the officers left. The officers did not provide an explanation for the stop or a business card to § 87(2)(b).

During a phone statement provided by § 87(2)(b) before his in-person interview, § 87(2)(b) stated that the white male officer who questioned him about where he was going and what he was doing was the person with a mustache (Board Review 02).

No Stop, Question, and Frisk reports or event documents were found related to this incident (Board Review 03). No warrant audit requests were conducted of § 87(2)(b) on the incident date (Board Review 04). An Automobile Vehicle Locator (AVL) search request to the 79<sup>th</sup>

Precinct returned results indicating there were no vehicles on Quincy Street around the time of the incident (Board Review 05).

A request to the on-site IAB Liaison did not return any results for dark colored unmarked sedans operating in Brooklyn North containing “56” or “58” in the license plate (Board Review 06). The 79<sup>th</sup> Precinct Daily Vehicle Assignment Sheet did not reveal any unmarked vehicles with license plates that ended with “56” or “58” (Board Review 07).

A request to the NYPD Legal Bureau for body worn camera video did not return any results for this incident.

PO Greydy Mercedes, Sgt. Ryan O’Shea, and PO Leo Bonacasa of the 79<sup>th</sup> Precinct were working together on Anti-Crime patrol at the time of the incident (Board Review 08). PO Mercedes is a Hispanic male with a dark complexion and a goatee. Sgt. O’Shea and PO Bonacasa are both clean shaven white males. PO Mercedes testified that he was assigned to Anti-Crime patrol in a black Ford Fusion (Board Review 09). PO Mercedes had no recollection of the incident. The memo books of PO Mercedes and the other Anti-Crime officers had entries for three separate car stops at about the time of the incident, though the locations of these stops are not noted (Board Review 10). The memo books did not contain any entries about the stop of § 87(2)(b)

The 79<sup>th</sup> Precinct Command Log revealed that Sgt. William McNeece, Det. Allan Ward, and Det. Samuel Perez from the 83<sup>rd</sup> Precinct Module of Brooklyn North Narcotics processed two arrests at the 79<sup>th</sup> Precinct stationhouse at approximately 9:30 p.m., one of which stemmed from an incident near the incident location involved in this complaint (Board Review 11). The two arrests were made at 6:20 p.m. and 6:40 p.m. Det. Ward is a black male with a beard and mustache, Sgt. McNeece is a clean shaven white male, and Det. Perez is a Hispanic male. Sgt. McNeece testified that his team was working in an unmarked van on an undercover Buy and Bust operation and the only stops they conducted resulted in the two arrests that were processed at the 79<sup>th</sup> Precinct stationhouse (Board Review 12). Sgt. McNeece denied any recollection of the incident with § 87(2)(b). Two stops related to the arrests are the only entries noted in the memo books of Sgt. McNeece, Det. Ward, and Det. Perez (Board Review 13). § 87(2)(b) did not make any positive identifications when presented with photo arrays which included Sgt. McNeece, Det. Ward, and Det. Perez.

Roll call documents were received from the 81<sup>st</sup> Precinct (the border of which is near the incident location), Patrol Borough Brooklyn North Anti-Crime, Brooklyn North Narcotics, Strategic Response Group Anti-Crime, and Brooklyn North Gang Squad (Board Review 14-17, 21). The records reflect that the officers from Brooklyn North Gang Squad, Patrol Borough Brooklyn North Anti-Crime, and the 79<sup>th</sup> Precinct module of Brooklyn North Narcotics were not working on the incident date. The records from the remaining commands did not reveal any team of officers matching the general description of a black male and two white males.

Two teams of officers were identified as possible subjects in this incident based on their physical characteristics. An officer was interviewed from each team of officers and they denied any knowledge of the incident involving § 87(2)(b). Records associated with each team also

indicated they were engaged in other enforcement actions at the time of the incident and the vehicles they were in did not coincide with the information provided by § 87(2)(b). In addition, no video evidence of the incident was obtained and no police records, such as a Stop, Question, and Frisk report, were generated about the incident. § 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first complaint in which § 87(2)(b) and § 87(2)(b) are parties (Board Review 18).

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) accepted mediation; however, the officers in the complaint were not identified, and thus the complaint was investigated.
- As of September 11, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 19).
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (Board Review 20).

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Squad No.: 13

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date